

# EXHIBIT

# X

Keith Vincent - by Mr. Leeds

4

1 K E I T H V I N C E N T

2 having been first duly sworn by the Foreperson,  
3 was examined and testified as follows:

4 EXAMINATION

5 BY MR. LEEDS:

6 Q. Good afternoon. Can you state your name,  
7 please?

8 A. Officer Keith Vincent.

9 Q. Where do you work?

10 A. Auburn Correctional Facility.

11 Q. What kind of work do you do for Auburn  
12 Correctional Facility?

13 A. I'm a correctional officer in general  
14 population.

15 Q. And how long have you been a corrections  
16 officer at Auburn?

17 A. I have been at Auburn a little over 11  
18 years.

19 Q. What level security is Auburn Correctional  
20 Facility?

21 A. It's a maximum security prison.

22 Q. I want to take you back now to February  
23 28th, 2016 and an incident involving Jkendrick Agee. Do  
24 you, first off, recall this incident?

25 A. I do.



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1 Q. Do you recall if you were working on  
2 February 28th, 2016?

3 A. Yes, I was working.

4 Q. The grand jury here is investigating  
5 Mr. Agee for the offense at the prison, and I want you  
6 to tell us a little bit about how you're involved in  
7 this case. Where were you working just prior to  
8 becoming involved with Mr. Agee?

9 A. I was working in D block.

10 Q. What is D block in relation to the prison  
11 itself?

12 A. It is a general housing block.

13 Q. What kind of job did you have on D block at  
14 that point?

15 A. I was the third officer I think in the  
16 block.

17 Q. What does that mean?

18 A. We have a first officer that runs the desk,  
19 and we have two other officers, a second officer and  
20 third officer. We do primarily all the rounds in the  
21 block, let in, let out for chow runs, yard runs, that  
22 kind of stuff, kind of general running of the block is  
23 what we do every day.

24 Q. Was Jkendrick Agee an inmate at the prison  
25 at the time?



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1 A. Yes, he was.

2 Q. And he was in one of those blocks or a cell  
3 that you were responsible for?

4 A. Yes, he was.

5 Q. Explain a little bit about what happened  
6 that led to the incident and the unusual report --  
7 unusual incident report with Mr. Agee?

8 A. We were running keep lock recreation at the  
9 time. During that period that is when an inmate is  
10 actually confined to the cell. He comes out of the cell  
11 for one hour of recreation for the day. He's confined  
12 to the cell for some sort of a disciplinary reason.

13 Q. And that's what keep lock is essentially?

14 A. Right.

15 Q. They have to be locked in, but they're  
16 allowed to go out for one hour of recreation?

17 A. Yes.

18 Q. Continue.

19 A. Upon that, when we go to the cells, there's  
20 two officers that go in front of the cells. They got  
21 the cell open, they bring the inmate, they pat frisk the  
22 inmate. I work on the front side of the company. As  
23 the inmate comes off, after that then we proceed to use  
24 a metal detector, a wand, wand the inmate to make sure  
25 that there wasn't anything we missed during the pat



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1 frisk.

2 Q. Are the inmates I guess escorted one at a  
3 time down to your area?

4 A. Yes, sir. They're escorted one at a time.

5 Q. What happened when you were doing the  
6 security wand, the magnetic reader wand with Mr. Agee?

7 A. As I was wandling Mr. Agee, the wand kept  
8 signaling in his right front waistband area.

9 Q. What did you do in response to this?

10 A. Actually paid closer attention, went to and  
11 researched that area, at which time is when I found the  
12 actual weapon, the razor blade type weapon.

13 Q. Did you perform any kind of search or pat  
14 frisk on Mr. Agee?

15 A. Well, at that time yes. I went through and  
16 patted down his front waistband area and I actually  
17 rolled the waistband down. That's when the weapon  
18 actually was found.

19 Q. I'm going to hand you what we have marked  
20 here as Grand Jury Exhibit Number 1. Can you identify  
21 that?

22 A. Yes. That would be the razor type weapon  
23 that was taken off of him that day.

24 Q. In looking at that, does that appear changed  
25 or altered in any way from the item that you took out of



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1 Mr. Agee's waistband at that point?

2 A. No, not at all.

3 Q. What I guess exactly is that item?

4 A. What it appears to be is actually the blade  
5 from a state-issued razor blade.

6 Q. Has it been altered or modified in any way?

7 A. The blade was taken out of the actual  
8 plastic razor blade itself.

9 Q. Does it have like any handle or sheath?

10 A. It has a black tape handle with a sheath on  
11 it.

12 Q. Would the inmates be allowed to have  
13 possession of a razor like that?

14 A. No, absolutely not.

15 Q. They wouldn't be issued the razor itself in  
16 any way?

17 A. The actual razor itself, they get a razor  
18 every Sunday, obviously for shaving. This is an altered  
19 item, so it's actually removed the blade and --

20 Q. What's the form that they're actually given  
21 the razor in initially?

22 A. Just typically single bladed disposable  
23 razor.

24 Q. And they are not allowed to alter that or  
25 break that or get that razor out in any way?



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1 A. Not at all.

2 MR. LEEDS: I'm going to move to admit  
3 Grand Jury Exhibit Number 1 at this time.

4 THE FOREPERSON: So admitted.

5 (Grand Jury Exhibit Number 1 was  
6 received in evidence.)

7 BY MR. LEEDS:

8 Q. Have you seen items like that inside the  
9 prison before in your experience?

10 A. Yes.

11 Q. Are you familiar with the rules concerning  
12 contraband inside the prison as well?

13 A. Fairly well.

14 Q. Would this item be considered contraband if  
15 possessed by an inmate?

16 A. Absolutely.

17 Q. Would it be considered dangerous contraband?

18 A. Absolutely.

19 Q. What exactly makes it dangerous?

20 A. The fact that the purpose is either cutting  
21 somebody, self-defenses or just to attack somebody and  
22 actually slash them. Usually they prefer to slash each  
23 other in the face for whatever reason.

24 Q. Have you seen inmates slashed with items  
25 such as that before?



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1 A. Very often and a lot.

2 Q. What kind of injuries do you see having  
3 occurred as a result of things like this?

4 A. Again, they prefer to slash in the face.  
5 I've seen ears cut off, cheeks completely laid open so  
6 you can see the teeth, gum lines sliced opened.  
7 Actually this one guy I saw it went all the way through  
8 his cheek, hit his tongue and almost took off a chunk of  
9 his tongue with razors. I've seen them sliced down the  
10 neck, obviously trying to get to an artery or something.  
11 I've seen quite a bit of that stuff over the years.

12 Q. First of all, were any other inmates around  
13 at the time that you removed this from Mr. Agee?

14 A. No.

15 Q. What did you do I guess with Mr. Agee first  
16 after you recovered the item from his waistband?

17 A. I recovered the item, put it in my pocket,  
18 and at that time I put handcuffs on him, mechanical  
19 restraints. At that time I notified my area supervisor,  
20 and he was escorted up to SHU-D, the maximum -- which is  
21 our Special Housing Unit.

22 Q. What did you do with the item that you  
23 removed from Mr. Agee?

24 A. From there I took that up front. I  
25 obviously filled out the proper paperwork and this bag



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1 and placed it in the evidence locker.

2 MR. LEEDS: I have no further questions  
3 for Officer Vincent. Any questions from the  
4 grand jury at this point? Okay. You all  
5 set. Thank you so much.

6 (The witness was excused.)

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Sherri Guzylak - by Mr. Leeds

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1                   S H E R R I   G U Z Y L A K

2           having been first duly sworn by the Foreperson,  
3           was examined and testified as follows:

4   EXAMINATION

5   BY MR. LEEDS:

6           Q.       Good afternoon. Can you state your name,  
7           please?

8           A.       Good afternoon. My name is Sherri Guzylak.

9           Q.       Where do you work?

10          A.       At Auburn Correctional Facility.

11          Q.       What kind of work do you do for Auburn  
12          Correctional Facility?

13          A.       I'm the inmates records coordinator.

14          Q.       What do you do as the inmate records  
15          coordinator?

16          A.       We house the inmates' legal folders, we  
17          handle transportation, releases, warrants, court  
18          appearances.

19          Q.       How long have you been doing that specific  
20          job?

21          A.       Just under a year now.

22          Q.       I'm going to hand you what we have marked  
23          here as Grand Jury Exhibit Number 2. Can you identify  
24          what that is?

25          A.       Yes. This is an external movement history.



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1 It shows movement from facility to facility for a  
2 particular inmate.

3 Q. Does that movement history have a specific  
4 inmate listed on it?

5 A. Yes, it does. It's Jkendrick Agee.

6 Q. Aside from the name, are the inmates  
7 identified by any other format?

8 A. Yes, they are. They're also given a  
9 department identification number.

10 Q. Is that on the form as well?

11 A. It is, yes.

12 Q. That history form, is that made in the  
13 ordinary course of business for the Department of  
14 Corrections?

15 A. Yes, it is.

16 Q. Is it the regular course of business for the  
17 Department of Corrections to make and maintain a record  
18 such as the one like you're holding?

19 A. Yes, it is.

20 Q. Now, is the record, the history, made for  
21 each inmate that is within the Department of  
22 Corrections?

23 A. Yes, it is.

24 Q. Is the record updated each time an inmate  
25 moves from facility to facility within the Department of



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1 Corrections?

2 A. Yes, that's correct.

3 MR. LEEDS: I'm going to move to admit  
4 Exhibit Number 2 at this time.

5 THE FOREPERSON: So admitted.

6 (Grand Jury Exhibit Number 2 was  
7 received in evidence.)

8 BY MR. LEEDS:

9 Q. In looking at that form, was Jkendrick Agee  
10 an inmate at Auburn Correctional Facility on  
11 February 28th, 2016?

12 A. Yes, he was.

13 Q. Does it say where he would have been housed  
14 around the 28th?

15 A. It's on the other -- it shows him as being  
16 at Auburn, correct.

17 Q. But it doesn't list internally where he goes  
18 from place to place within Auburn?

19 A. Not on this particular report, it does not.

20 Q. Just that he's generally housed at Auburn?

21 A. In that particular facility at that time,  
22 correct.

23 Q. Next I'm going to hand you what we have  
24 marked here as Grand Jury Exhibit Number 4. Can you  
25 identify what that is?



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1 A. Yes. This is an inmate rule book.

2 Q. Are all inmates given that rule book when  
3 they come into the control of the Department of  
4 Corrections?

5 A. Yes, they are.

6 Q. What exactly is a rule book? What does that  
7 refer to?

8 A. It's actually named standards of inmate  
9 behavior. It's kind of a list of the dos and don'ts,  
10 how to conduct yourself within the prison walls.

11 Q. If an inmate were to lose or misplace their  
12 rule book, would they have an opportunity to get another  
13 copy of it?

14 A. Yes, they could.

15 Q. Do all those rules apply to all inmates in  
16 the Department of Corrections?

17 A. Yes, they do.

18 Q. Do you give out or does the Department of  
19 Corrections give out different rule books to different  
20 types of inmates?

21 A. No. It's one standard book.

22 Q. Is that the rule book that would have been  
23 in effect in 2015, 2016?

24 A. Yes, it is.

25 Q. Does that rule book have any rules

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1 concerning possession or use of contraband inside a  
2 prison facility?

3 A. Yes, it does.

4 MR. LEEDS: First off, I'm going to  
5 move to admit at this time Grand Jury  
6 Exhibit Number 4 into evidence.

7 (Grand Jury Exhibit Number 4 was  
8 received in evidence.)

9 BY MR. LEEDS:

10 Q. Now that it's admitted, I want to refer you  
11 to the rules concerning contraband. Do you see rule  
12 113.10?

13 A. Yes, I do.

14 Q. If you could read rule 113.10 for the grand  
15 jury?

16 A. An inmate shall not make, possess, sell or  
17 exchange any item that may be classified as a weapon or  
18 dangerous instrument by description, use or appearance.  
19 A dangerous instrument is any instrument, article or  
20 substance, which, under the circumstances in which it is  
21 used, attempted to be used or threatened to be used is  
22 readily capable of causing bodily harm.

23 Q. Now, in looking further at the rules  
24 concerning contraband, do you see any rule in there for  
25 possession of altered items?



Sherri Guzylak - by Mr. Leeds

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1 A. Yes, I do.

2 Q. What's that rule?

3 A. That would be 113.11.

4 Q. If you could, could you read 113.11?

5 A. Sure. An inmate shall not possess any  
6 authorized item that has been altered in any manner so  
7 as to change its original intent and/or purpose.

8 Q. Now, does the contraband rule have other I  
9 guess types of contraband that would be considered in  
10 the prison aside from what you've already mentioned?

11 A. Yes. There are other subdivisions as well.

12 Q. Other subdivisions, okay. Does the  
13 Department of Corrections maintain any records or forms  
14 to show that an inmate was actually given a handbook?

15 A. Yes. There is a receipt that is given to  
16 him to sign at the same time the book is issued.

17 Q. I'm going to hand you what's been marked now  
18 as Grand Jury Exhibit Number 3. Can you identify that?

19 A. Yes. This is a rule book receipt.

20 Q. Does that rule book receipt refer to a  
21 specific inmate?

22 A. Yes, it does, to Jkendrick Agee.

23 Q. Is his department identification number on  
24 there as well?

25 A. Yes, it is.

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1 Q. Is that record made in the ordinary course  
2 of business for the Department of Corrections?

3 A. Yes, it is.

4 Q. Is it the regular course of business to make  
5 and maintain records such as the rule book receipt that  
6 you're holding?

7 A. Yes.

8 Q. And is the rule book receipt made for each  
9 of the inmates as they actually do receive their rule  
10 book?

11 A. Yes, that's correct.

12 Q. Is that form signed then by the inmate as  
13 well?

14 A. Yes, it is.

15 Q. Is the form or the rule book receipt dated  
16 for when he received his rule book?

17 A. Yes. This one is dated July 7th, 2015.

18 MR. LEEDS: I'm going to move to admit  
19 Grand Jury Exhibit Number 3 at this time as  
20 well.

21 THE FOREPERSON: So admitted.

22 (Grand Jury Exhibit Number 3 was  
23 received in evidence.)

24 MR. LEEDS: That's going to conclude my  
25 questions for Ms. Guzylak. Any questions



Sherri Guzylak - by Mr. Leeds

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1 from the grand jury at this point? Okay. I  
2 will take all those back from you. You're  
3 all set.

4 (The witness was excused.)

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# EXHIBIT

# Y



1. NYSID No. 02697786L	2. CJTN No. 67556250K	<b>ARREST REPORT</b>		3. Case No. 6785685	4. Ref. No.
5. FBI No. 870489TC4	6. Arrest No. 699885	7. Agency E2 TROOP E - ZONE 2 NY1050100		8. Div/Precinct E211	4a.

**DEFENDANT INFORMATION**

9. Name (Last, First, Middle) AGEE, JKENDRICK				11. Phone Number	
12. Street Number and Name, Bldg. No., Apt. No. ACF INMATE - DIN#08B1474			13. City, State, Zip AUBURN NY 13021		14. Residence Status RESIDENT
15. Place of Birth USA		16. D.O.B 08/10/1991	17. Age 24	18. Gender MALE	19. Race BLACK
21. Skin DARK	22. Height 6ft. 3in.	23. Weight 280lbs.	24. Hair BLACK	25. Eyes BROWN	26. Glasses NO
28. Marital Status SINGLE (NEVER MARRIED)		29. U.S. Citizen YES	30. Citizen Of USA		
31. Soc. Sec. No. 121-78-4476	32. Education HIGH SCHOOL (ENTER 09 - 12) -		33. Religion NONE	35. Employed INMATE	
34. Occupation LABORER					
36. Scars/Marks/Tattoos Description NONE					
20. Ethnicity NOT HISPANIC					
27. Build NORMAL					

**ARREST INFORMATION**

37. Arresting Officer/ID MCCORMACK PATRICK TPR 1132			39. Assisting Officer/ID PROPER JARED INV 1109		41. Arrest Date 03/09/2016	42. Time 09:30
43. Location of Arrest ACF INMATE - DIN#08B1474 AUBURN NEW YORK 13021				44. Juvenile NO	45. Condition of Defendant APPARENTLY NORMAL	
48. Miranda NO	49. Miranda By					50. Miranda Date
52. Statements NONE		54. Search Warrant NO		55. ID Procedure NONE		
56. Arraign. Court AUBURN CITY COURT NY005011J				57. Arraign. Judge PRESIDING		
58. Arraign Date 03/09/2016	59. Arraign Time 12:00	60. Property NO	61. Evidence NO	61a. Processed By		
61b. Disposition CLOSED			63. Arrestee Status HELD		64. Bail Amount \$ 0.00	
65. Bondsman	66. Photo No.	67. Arrest Type ARREST WARRANT			68. Warrant No.	
69. Arrest FOA NO	70. Other Agency					71. F/P Taken YES
76. Return Court				77. Return Judge		
78. Date	79. Time	80. Defendant/Case TOT Agency			80a. Officer Name	
81. Case TOT Time	82. Case TOT Date	43a. CTV Code AUBURN CITY 0601				

## INCIDENT INFORMATION

62. Incident No.	72. Offense Location	73. Offense Date/Time	74. No. Offender	75. No. Victims	Incident Case No.
6785685	AUBURN CITY 0601	3/8/2016 15:49	1	0	AUB

## OFFENSE INFORMATION

83. LAW Article/Section	SUB	CL	CAT	DEG	ATI	NAME OF OFFENSE	CTS	NCIC Code	Victim Age	Sex	Race	ASSOC NO	TYP
PL 205.25 02		D	F	1	C	POSS DANG CONTRABND PRISON-1ST	1	5802					
												Incident 785685	

INV. B. STOVER	87. ID No.	88. Supervisor Signature	89. ID No.
INV. [Signature]	5056		
90. Arrest Made as a Result of SAFIS Print ID?	91.	92.	93.
NO			



# **EXHIBIT**

# ***Z***

## AUBURN CITY COURT

STATE OF NEW YORK  
COUNTY OF CAYUGADOCKET # 16-0258  
CR#-----  
THE PEOPLE OF THE STATE OF NEW YORK  
-VS-WARRANT OF ARREST  
=====JKENDRIC AGEE  
AUBURN CORRECTIONAL  
AUBURN NY 13021DOB: 08-10-1991 Male  
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In the Name of the People of the State of New York

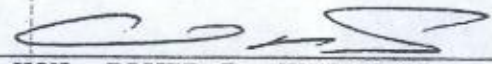
To any Police Officer of the City of Auburn or County of Cayuga, or State of New York (or Peace Officer);

An accusatory instrument having been laid before this court charging that on or about the 28 day of February, 2016 at the City of Auburn, New York, the defendant has committed the offense(s) of:

FIRST CHARGE: PL-205.25 -DF- 1-CONTRABAND TO PRISONERS-1

YOU ARE, THEREFORE COMMANDED to arrest the above named defendant and bring him or her before this court at 157 Genesee Street in the City of Auburn, New York.

Bail is set in the amount of \$

No B.1 (05)This 8 day of March, 2016  
at Auburn, Cayuga County, New York.  
HON. DAVID B. THURSTON  
JUDGE, AUBURN CITY COURT

By virtue of the within warrant, I have arrested the within named JKENDRIC AGEE on the \_\_\_\_ day of \_\_\_\_ 20\_\_ at \_\_\_\_ in the County of Cayuga NY and now have before the magistrate by whom this warrant was issued/or before \_\_\_\_\_ a magistrate in said County of Cayuga, he/she having required me to do so.

Dated: \_\_\_\_\_ Signed Officer \_\_\_\_\_  
Title \_\_\_\_\_

I \_\_\_\_\_ of \_\_\_\_\_ of the \_\_\_\_\_ NY do hereby certify, that I have this \_\_\_\_ day of \_\_\_\_ 20\_\_ admitted the within named JKENDRIC AGEE to bail for his/her appearance before the magistrate named in the within warrant, and taken bail from him/her accordingly.

Dated \* \_\_\_\_ 20\_\_ Judge/Justice  
This warrant may be executed in the County of Cayuga New York. Dated at Auburn NY this day \_\_\_\_ of \_\_\_\_ 20\_\_ Judge/Justice of Auburn City Court\*\*\*\*\*  
Defendant Endorsement

I, JKENDRIC AGEE the defendant named in this warrant, have been informed that I have the right to appear before a local criminal court of the County in which I was arrested, to wit the County of Cayuga, NY for the purpose of being released on my own recognizance or having bail fixed. I do not desire to be brought before such court in such county.

\_\_\_\_\_  
Signature of defendant